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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 WILLIAM WASHINGTON,

9 Plaintiff,

v.

10 WASHINGTON STATE DEPT OF  
11 CORRECTIONS, et al.,

12 Defendants.

CASE NO. C17-5728 BHS-TLF

ORDER OF DISMISSAL

13 This matter comes before the Court on sua sponte in light of Defendant's  
14 certificate of service of the notice of Plaintiff's death. Dkts. 61, 63. Federal Rule of Civil  
15 Procedure 25 provides that, "[i]f a party dies and the claim is not extinguished, the court  
16 may order substitution of the proper party." Fed. R. Civ. P. 25(a)(1). However, if a motion  
17 to substitute "is not made within 90 days after service of a statement noting the death, the  
18 action by or against the decedent must be dismissed." *Id.* On April 28, 2018, Defendants'  
19 served the notice of Plaintiff's death on his successor. Dkt. 63. As more than 90 days  
20 have passed since service of the statement noting Plaintiff's death and no motion to  
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1 substitute has been filed, this action must be dismissed. The Clerk shall enter judgment  
2 and close this case.

3 **IT IS SO ORDERED.**

4 Dated this 15<sup>th</sup> day of August, 2018.

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7 BENJAMIN H. SETTLE  
United States District Judge

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